

REMARKS

Claims 3-9 and 11 are now pending in the application. Claims 3 and 9 have been amended. In view of the above amendment, applicant believes the pending application is in condition for allowance.

REQUEST FOR CONSIDERATION OF IDS REFERENCE

The H. Schulzrinne reference, "Real Time Streaming Protocol"; RFC 2326; Internet Engineering Taskforce; April 1998, cited in the IDS Forms 1449 filed on November 16, 2004, has not been considered by the Examiner because the Examiner's file indicates the Applicant has not submitted a copy of the Non-Patent Literature. Although the Applicant submitted a copy of the reference on November 15, 2004 and again on November 23, 2005, Applicant hereby respectfully submits another copy of such reference along with a copy of the IDS Form 1449. Also, an English translation of Notice of Reasons of Rejection dated August 13, 2004 from Japanese Patent Office for corresponding Japanese Patent Application No. 2001-368185, and a corresponding Form 1449 is also enclosed for your convenience.

We would appreciate your initialing the above-mentioned reference and returning a copy of the initialed IDS Forms 1449 to our office at your earliest opportunity.

REJECTION UNDER 35 U.S.C. § 103

Claims 3-9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ort (U.S. Pat. No. 5,784,527) in view of Green et al. (U.S. Pat. No. 6,003,084). Claims 3-9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ort in view of Muller et al. (U.S. Pat. No. 6,356,541). These rejections are respectfully traversed.

Applicants submit that their invention is distinguishable from Ort, Green and Muller. Ort is generally directed to a method for error handling during playback of an audio/video data stream. Error handling includes an ability to seek forward a predetermined number of seconds in order to avoid a bad media sector. However, Ort does not request or receive from a server a reproduction from an intermediate portion of a data stream. Neither Green nor Muller teach, suggest, or motivate this subject matter, which is recited in Claims 3 and 11, especially as amended.

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of Claims 3 and 11, along with rejection of all claims dependent therefrom.

CONCLUSION

Prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 5077-000076/US from which the undersigned is authorized to draw.

Dated: March 22, 2006

Respectfully submitted,

By 

Gregory A. Stobbs

Registration No.: 28,764

HARNESS, DICKEY & PIERCE, P.L.C.

P.O. Box 828

Bloomfield Hills, Michigan 48303

(248) 641-1214

Attorney for Applicant